

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION**

No. 21-MD-3010 (PKC)

This Motion Relates To:

THE STATE OF TEXAS, *et al.*,

Plaintiffs,

- against -

GOOGLE LLC,

Defendant.

No. 21-CV-6841 (PKC)

**DECLARATION OF ANDREW J. EWALT IN SUPPORT OF
DEFENDANT GOOGLE LLC’S MOTION TO DISMISS COUNTS I THROUGH IV OF
STATE PLAINTIFFS’ THIRD AMENDED COMPLAINT**

I, Andrew J. Ewalt, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm Freshfields Bruckhaus Deringer US LLP, which serves as counsel to Defendant Google LLC (“Google”) in the above-captioned case.

2. I am an attorney admitted to practice in the District of Columbia, the Commonwealth of Massachusetts, and the Commonwealth of Pennsylvania and I have been admitted to appear *pro hac vice* in the above-captioned case, which was consolidated into the above-captioned multidistrict litigation on August 12, 2021.

3. I respectfully submit this Declaration in support of Google’s Motion to Dismiss Counts I Through IV of State Plaintiffs’ Third Amended Complaint, dated January 21, 2022.

4. Attached as Exhibit A to this Declaration is a true and correct copy of the Network Bidding Agreement (“NBA”) between Google LLC, Google Ireland Limited, Facebook, Inc., and Facebook Ireland Limited, as last executed on September 28, 2018, which Google previously produced to the State of Texas with the beginning Bates number GOOG-TEX-00144513, except that (a) the version of Exhibit A filed on the public docket contains redactions of the names and job titles of Google and Facebook employees; and (b) the version of Exhibit A filed under seal contains highlighting to identify the portions that have been redacted from the public version. Exhibit A does not include amendments to the NBA.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 21, 2022, in Washington, DC

/s/ Andrew J. Ewalt

Andrew J. Ewalt